

2001 DRAFTING REQUEST

Senate Amendment (SA-SB55)

Received: **05/17/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Schug**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Agriculture - pesticides
Higher Education - miscellaneous
Education - school boards**

Extra Copies: **MJL
PG**

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Schug -

Topic:

Integrated pest management in schools

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 05/20/2001	wjackson 05/21/2001		_____			
/1			pgreensl 05/22/2001	_____	lrb_docadmin 05/22/2001		
/2	traderc	wjackson	haugeca	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/22/2001	05/23/2001	05/23/2001	_____	05/23/2001		

FE Sent For:

<END>

05/22/2001 11:53:45 AM

Page 1

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**Received: **05/17/2001**Received By: **traderc**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Schug**This file may be shown to any legislator: **NO**Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Agriculture - pesticides**
Higher Education - miscellaneous
Education - school boards

Extra Copies: **MJL**
PG

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Schug -

Topic:

Integrated pest management in schools

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 05/20/2001	wjackson 05/21/2001					
/1		1/2 WLj 5/23	pgreensl 05/22/2001	CH 5/23 KR	lrb_docadmin 05/22/2001		

05/22/2001 11:53:45 AM

Page 2

LRBb0294

FE Sent For:

<END>

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**Received: **05/17/2001**Received By: **traderc**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Schug**This file may be shown to any legislator: **NO**Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Agriculture - pesticides**
Higher Education - miscellaneous
Education - school boards

Extra Copies: **MJL**
PG

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Schug -

Topic:

Integrated pest management in schools

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1?	traderc	1 WJ 5/21	5/21 PG	PG 5/21 PG/JF			
----	---------	-----------	------------	--------------------------------	--	--	--

FE Sent For:

<END>

Tradewell, Becky

From: Schug, David
Sent: Thursday, May 17, 2001 2:59 PM
To: Tradewell, Becky
Subject: DATCP Finance Motions

Becky,

Please draft the following changes to the bill from Tuesday's executive session:

Paper #205 Info tech-- Alt. B2 (maintain annual appropriation)

Paper #207 -- Alt A3 (annual approps)

~~Include Motion # 623 on Drainage Districts~~

Include Motion # 619 on IPM in Schools

~~Include Motion # 625 on Treated Lumber~~

In addition, please draft the following changes to the bill from Wednesday's executive session:

Include Motion # 296 on Nonpoint Funding

Include Motion # 301 on South Fork of Hay River

I'll fax over copies of the motions momentarily.

David

David Schug
Legislative Fiscal Bureau
Phone: (608) 266-3847
Fax: (608) 267-6873
David.Schug@legis.state.wi.us

~~Sen. Burke~~
 Senator Burke

Burke

**DATCP - DEPARTMENTWIDE AND RESOURCE MANAGEMENT
 AND UNIVERSITY OF WISCONSIN SYSTEM**

Pest Management by School Districts

if 75% of students statewide have not participated

Motion:

Move to provide DATCP with \$136,400 SEG and 2.0 positions in 2001-02 and \$88,000 SEG in 2002-03 from the agricultural ~~chemical cleanup~~ program (ACCP) fund for 1.0 program assistant, 1.0 environmental analysis and review specialist and funding for limited term employees to implement a pest management program in school districts. Further, provide the University of Wisconsin-Extension program with \$92,000 SEG from the ACCP fund in 2001-02 for limited term employee funding for a pest management program in school districts. *ACM*

Require DATCP to assist school districts with all requirements under this motion and to consult with the Department of Health and Family Services (DHFS) and the Department of Public Instruction concerning school pest management issues. Require the University of Wisconsin Board of Regents to provide, through UW-Extension, programs to train employees of school districts and other persons about using integrated pest management. Define "integrated pest management" as a comprehensive strategy of pest control whose major objective is to achieve desired levels of pest control in an environmentally responsible manner by combining multiple pest control measures to reduce or eliminate the need for reliance on chemical pesticides; more specifically, a combination of pest controls which addresses conditions that support pests and may include, but is not limited to, the use of monitoring techniques to determine immediate and ongoing need for pest control, increased sanitation, physical barrier methods, the use of natural pest enemies and a judicious use of lowest risk pesticides when necessary, after all other methods have been exhausted. Further, require that the training include information about the development and implementation of pest management plans to prevent unacceptable levels of pest activity and damage in schools and on school grounds while minimizing hazards to persons, property and the environment. Require UW-Extension and state Cooperative Educational Service Agencies to cooperate in providing the training.

Require school boards to propose a pest management plan, after obtaining the training outlined above, for at least one member of the school board or school district employee who will be involved in developing the pest management plan. Require the plan be designed to prevent unacceptable levels of pest activity and damage while minimizing hazards to people, property and the environment. Require that the plan include the pest management practices that will be used by the school district, including a description of: (a) the methods that will be used to identify pest problems, including monitoring to determine whether the number of pests justifies pesticide treatment; (b) the nonchemical methods that the school district will use to seek to prevent

unacceptable levels of pest activity and damage; (c) the pesticides and methods of application that the school district will use if the nonchemical methods fail to prevent unacceptable levels of pest activity and damage; and (d) the means the school district will use to meet other requirements outlined below.

Require school boards to provide public notice and hold a public hearing on their proposed pest management plan, and to adopt a plan by the first day of the seventh month after the effective date of the bill that meets the requirements in (a) to (d) above. Require the plan be submitted to DATCP by the same date. Further, require the school board to implement the plan by the first day of the thirteenth month after the effective date of the bill. School boards must notify DATCP of any modifications to the pest management plan and provide public notice and a hearing before modifying their plan.

Require school boards to authorize pesticide application in a school or on school grounds only by persons who are certified by DATCP in the applicable pesticide use category under current law. Further, require that when the use of a pesticide is determined to be necessary in a school or on school grounds, that the school board use integrated pest management practices.

Require school boards to post notice of each school pesticide application during, and for at least the 72 hours after, the application. Further, unless the school district administrator or the school principal declares that a pest emergency exists, at least 72 hours in advance of each school pesticide application, require school boards to provide written notification of the name of the pesticide to be applied, the planned time and location of the application, the potential health effects of exposure to the pesticide, as indicated on its label, and the name and telephone number of a person at the school who can be called for more information or to report health effects from exposure. The written notification would need to be sent to all school district employees or contractors and all students who may be present in the area of application within 72 hours after the application. The parents or guardians of the affected students also would receive the written notification. If a pest emergency is declared, the written notification with the actual application information would need to be sent to the same persons above, as soon as possible after the application. In all cases, require the written notice to be in a font size no smaller than routinely used for other school notices to parents.

Require school boards to maintain records for each school pesticide application that include: (a) the name and certification number of the person applying the pesticide; (b) the type of pesticide applied and its brand name; (c) the name and number of the pesticide as registered under the federal insecticide, fungicide, and rodenticide act; (d) the manufacturer of the pesticide; (e) the pesticide's active and inert ingredients; (f) the date and time of the application and the amount of pesticide applied; (g) how the pesticide was applied, including any additives used and the type of application device used; (h) the street address of the place at which the pesticide was applied and a description of the area to which the pesticide was applied; (i) the purpose of the application, including the target pest and whether the application was preventive or reactive; (j) for an outdoor application, a description of the weather conditions at the time of the application; and (k) the symptoms of acute poisoning from the pesticide, as indicated on its label. Require school boards to provide the records

quarterly to DATCP, unless the school district does not use pesticides and notifies DATCP of that fact. Require that the records, if required, be made available from school boards or the Department to any person upon request. In addition, require school boards to provide any information regarding pest management that is requested by DATCP.

Prohibit school districts from using pesticide fumigation, from applying pesticides for aesthetic or cosmetic purposes and from routinely using pesticides in or around schools on a regularly scheduled basis. In addition, prohibit a school district from using pesticides around schools unless nonchemical methods of pest control have failed. Require school boards to review their liability and property insurance to determine whether coverage is adequate for damage or loss caused by pesticides.

Require DATCP and the UW Board of Regents to enter into a memorandum of understanding concerning school pest management and UW-Extension training to ensure cooperation between DATCP and UW-Extension and to avoid duplication of activities. Require DATCP, in cooperation with the UW-Extension and DHFS, to submit a report evaluating the above school pesticide program on or before January 1 of each even-numbered year to the Legislature.

Note:

The motion would include a number of the provisions of 1999 Senate Bill 479 relating to pest management by school districts, as modified to incorporate changes included in Senate Amendments 1, 2 and 3 to SB 479.

Under SB 55, the ^{ACM} ~~ACCP~~ ^{ACM} fund is expected to have a June 30, 2003 balance of approximately \$1.7 million. The ~~ACCP~~ fund is used for the cleanup of fertilizers and nonhousehold pesticides, including spills occurring at commercial fertilizer blending facilities, commercial pesticide application businesses and farm sites. The ~~ACCP~~ fund receives revenues from industry fertilizer and pesticide license and tonnage surcharges.

[Change to Bill: \$316,400 SEG and 2.0 SEG positions]

[Change to Base: \$316,400 SEG and 2.0 SEG positions]

all Dems,

Richter

Darby

✓

✓

P155

10:16

1999 SENATE BILL 479

March 16, 2000 - Introduced by Senators CLAUSING, DARLING, BURKE, RISSE, SCHULTZ, ROSENZWEIG, PLACHE, MOORE, GROBSCHMIDT, ROBSON and WIRCH, cosponsored by Representatives RILEY, BOCK, WASSERMAN, LA FAVE and BLACK. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

- 1 **AN ACT to create** 36.25 (43) and 94.715 of the statutes; **relating to:** pest
2 management by school districts.

Analysis by the Legislative Reference Bureau

Under current law, the department of agriculture, trade and consumer protection (DATCP) regulates the sale and use of pesticides.

This bill places requirements on school boards concerning the use of pesticides in schools and on school grounds. The bill requires a school board to do all of the following:

1. Implement a pest management plan that satisfies requirements set forth in the bill. The plan must be designed to prevent unacceptable levels of pest activity while minimizing hazards to persons, property and the environment.

2. Authorize pesticide application to be conducted only by persons who have received training concerning using the least toxic pesticide available that is effective when it is necessary to use a pesticide in a school and who are certified in school pest management by DATCP.

3. When the use of a pesticide is determined to be necessary, use the least toxic pesticide available that is effective.

4. Provide advance written notice of a pesticide application, except in case of an emergency.

5. Post notice of each pesticide application.

6. Maintain records of pesticide applications and make those records available upon request.

2001

Date (time)
needed

SOON

LRB b 0294 1 1

LFB BUDGET AMENDMENT [ONLY FOR LFB]

RET: WLj: _____

See form AMENDMENTS — COMPONENTS & ITEMS.

LFB AMENDMENT TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 479, line 6.: after that line insert:

"Section 426p. CR 20.115 (7) (rm)

20.115 (7) (rm) Pest management for schools From the agricultural

#. Page ..., line ...: management fund, the amounts in the schedule for the pest management
for schools program under s. 94.7150 "0

#. Page 506, line 13.: after that line insert:

"Section 582k. CR 20.285 (1) (s)

20.285 (1) (s) Pest management for schools From the agricultural

#. Page ..., line ...: management fund, the amounts in the schedule to provide
training about pest management in and around
schools under s. 38.25(43)0 "0

#. Page ..., line ...:

#. Page ..., line ...:

SENATE BILL 479

The bill prohibits a school district from routinely using pesticides in schools or on school grounds, from using pesticide fumigation and from using a pesticide unless nonchemical methods of pest control have failed.

The bill requires DATCP to assist school districts in complying with these requirements and prohibitions. The bill requires the University of Wisconsin (UW) System, through the UW-Extension, to provide programs to educate and train employees of school districts and others about developing and implementing school pest management plans. The bill also requires DATCP and the department of health and family services to develop a list identifying the least toxic pesticides available that are effective against pests that may be found in schools or on school grounds.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓ # Page 695, line 15: after that line insert:
1357K⑥

1 SECTION 1. 36.25 (43) of the statutes is created to read:

2 36.25 (43) PEST MANAGEMENT FOR SCHOOLS. The board shall provide, through

3 the extension, programs to train employees of school districts and other persons about

4 *integrated pest management, as defined in s. 94.715(1)(cm),*
using the least toxic pesticide available that is effective when the use of a pesticide

5 is determined to be necessary in a school or on school grounds based on the list under

6 s. 94.715 (7) (b) and about developing and implementing pest management plans to

7 prevent unacceptable levels of pest activity and damage in schools and on school

8 grounds while minimizing hazards to persons, property, and the environment,

9 consistent with the requirements of s. 94.715. "③"

10 # Page 1048, line 4: after that line insert:
SECTION 94.715 of the statutes is created to read:
23957⑥

11 94.715 Pest management for schools. (1) DEFINITIONS. In this section:

12 (a) "Active ingredient" has the meaning given in s. 94.67 (1). ✓

13 (b) "Federal act" has the meaning given in s. 94.67 (13). ✓

14 (c) "Inert ingredient" has the meaning given in s. 94.67 (16). ✓

15 (d) "Pest" has the meaning given in s. 94.67 (24). ✓

Insert →

2-14

SENATE BILL 479

(e) "Pesticide" has the meaning given in s. 94.67 (25), except that "pesticide" does not include a germicide, sanitizer or disinfectant.

(2) REQUIREMENTS FOR SCHOOL BOARDS. A school board shall do all of the following:

(a) Propose a pest management plan that complies with sub. (4).

(b) After public notice and a hearing on the proposed plan under par. (a) and no later than the first day of the 7th month beginning after the effective date of this paragraph [revisor inserts date], adopt a pest management plan that complies with sub. (4) and submit a copy of the plan to the department.

(c) No later than the first day of the 13th month beginning after the effective date of this paragraph [revisor inserts date], implement the pest management plan adopted under par. (b).

(d) Provide public notice and a hearing before modifying the pest management plan adopted under par. (b) and notify the department of any modifications to the plan.

(dm) Authorize pesticide application in a school or on school grounds to be conducted only by persons who ^{are certified in the applicable pesticide use categories} ~~have received training concerning pest management~~ ^{under} ~~for schools and who are certified under sub. (5).~~ ^{S. 94.705}

(e) When the use of a pesticide is determined to be necessary in a school or on school grounds, use ~~the least toxic pesticide available that is effective~~ ^{in accordance with integrated pest management practices}

(f) Except as provided in sub. (6), at least 72 hours in advance of each pesticide application in a school or on school grounds, provide written notification of the name of the pesticide to be applied, the planned time and location of the application, the potential health effects of exposure to the pesticide, as indicated on its label, and the

^{in a font size no smaller than that routinely used for other notices to parents}

SENATE BILL 479

SECTION 2

1 name and telephone number of a person at the school who can be called for more
2 information or to report health effects from exposure, to all of the following:

3 1. Each employe^e_^ of the school district, or of a contractor with the school district,
4 who may be present in the area of application within 72 hours after the application.

5 2. Each student who may be present in the area of application within 72 hours
6 after the application.

7 3. The parents or guardians of the students under subd. 2. ✓

8 (g) Post notice of each pesticide application in a school or on school grounds at
9 the time of the application and for at least 72 hours following the application.

10 (h) Maintain a record of all of the following for each application of pesticide in
11 a school or on school grounds:

12 1. The name and certification number of the person applying the pesticide.

13 2. The type of pesticide applied and its brand name, the name of the pesticide
14 as registered under the federal act, the pesticide registration number assigned to the
15 pesticide under the federal act, the manufacturer of the pesticide, and the pesticide's
16 active ingredients and inert ingredients.

17 3. The date and time of the application and the amount of pesticide applied.

18 4. How the pesticide was applied, including any additives used and the type of
19 application device used.

20 5. The street address of the place at which the pesticide was applied and a
21 description of the area to which the pesticide was applied.

22 6. The purpose of the application, including the target pest and whether the
23 application was preventive or reactive.

24 7. For an outdoor application, a description of the weather conditions at the
25 time of the application.

SENATE BILL 479

1 8. The symptoms of acute poisoning from the pesticide, as indicated on its label.

2 (i) Make the information under par. (h) available to any person upon request

3 and provide the information about ~~each~~ pesticide application⁵ to the department

4 quarterly. ^{↑ except as provided in sub. (6m) ↓}

5 (j) Review liability and property insurance maintained by the school board to

6 determine whether coverage is adequate for damage or loss caused by pesticides.

INS. 27 → (3) PROHIBITIONS. (a) A school district may not routinely use pesticides on a

8 regularly scheduled basis in a school or on school grounds.

9 (b) A school district may not use pesticide fumigation in a school or on school

10 grounds. [→] (c) A school district may not use pesticides for aesthetic or cosmetic purposes.

11 (d) A school district may not use a pesticide in a school or on school grounds

12 unless nonchemical methods of pest control have failed to prevent unacceptable

13 levels of pest activity and damage.

14 (4) PEST MANAGEMENT PLAN. A school board shall design its pest management

15 plan required under sub. (2) (b) to prevent unacceptable levels of pest activity and

16 damage while minimizing hazards to persons, property, and the environment. In the

17 plan required under sub. (2) (b), a school board shall specify the pest management

18 practices that will be used by the school district and shall include all of the following:

19 (a) A description of the methods that will be used to identify pest problems,

20 including monitoring to determine whether pests are present in sufficient numbers

21 to require treatment with pesticides.

22 (b) A description of the nonchemical methods that the school district will use

23 to seek to prevent unacceptable levels of pest activity and damage.

SENATE BILL 479

SECTION 2

(c) A description of the pesticides and methods of application that the school district will use if the methods under par. (b) fail to prevent unacceptable levels of pest activity and damage.

(d) A description of the other means that the school district will use to ensure compliance with subs. (2) (c) to (j) and (3).

~~(5) CERTIFICATION. The department shall provide school pest management certification to persons who demonstrate knowledge concerning the use of the least toxic pesticide available that is effective when the use of a pesticide is determined to be necessary in a school or on school grounds, based on the list under sub. (7) (b).~~

(6) EXEMPTION FROM ADVANCE NOTICE REQUIREMENT. A school board is not required to provide advance notice of a pesticide application if the school district administrator, as defined in s. 115.001 (8), or the school principal declares that a pest emergency exists. If a pesticide is applied in a school or on school grounds without advance notice, the school board shall provide written notification of the name of the pesticide that was applied, the time and location of the application, the potential health effects of exposure to the pesticide, as indicated on its label, and the name and telephone number of a person at the school who can be called for more information or to report health effects from exposure, to all of the persons identified in sub. (2)

(f) 1. to 3., as soon as possible after the application.

(7) ASSISTANCE AND COOPERATION. The department shall provide assistance to school districts in complying with subs. (2) to (4). The department shall consult with the department of health and family services and the department of public instruction concerning school pest management issues. The department and the board of regents of the University of Wisconsin System shall enter into a memorandum of understanding concerning school pest management and the

(N.Y.) The school board shall provide the notice in a font size no smaller than that routinely used for other notices to Parents.

*19
Ins
54-20-3*

SENATE BILL 479

1 provision of training by the University of Wisconsin-Extension to ensure cooperation
2 between the department and the University of Wisconsin-Extension and to avoid
3 duplication of activities. The University of Wisconsin-Extension and the cooperative
4 educational service agencies shall cooperate in providing the training under s. 36.25
5 (43).[↓]

6 (b) The department and the department of health and family services shall
7 jointly develop a list identifying the least toxic pesticides available that are effective
8 for use against pests that may be found in schools or on school grounds when use of
9 a pesticide is determined to be necessary, as provided under sub. (2) (e).

10 (8) AVAILABILITY OF PLANS. The department shall retain pest management plans
11 submitted under sub. (2) (b)[↓] and make the plans available to any person upon
12 request.

13 (9) REPORT. On or before January 1 of each even-numbered year, the
14 department, in cooperation with the University of Wisconsin-Extension and the
15 department of health and family services, shall submit a report evaluating the
16 program under this section to the legislature under s. 13.172 (2). ✓/6

17 (END)

Insert 2-14

§ (cm) "Integrated pest management" means a comprehensive strategy of pest control with the main objective of achieving desired levels of pest control in an environmentally responsible ^{manner} ~~manner~~ by using a combination of pest controls to address conditions that support pests, which may include monitoring, increased sanitation, physical barriers, and the use of natural pest enemies, and judiciously using lowest risk pesticides when necessary after all other methods have failed.

**SENATE AMENDMENT 1,
TO 1999 SENATE BILL 479**

March 28, 2000 - Offered by Senator CLAUSING.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 3, line 5: after that line insert:

3 ✓ (am) Before proposing a plan under par. (a), obtain training under s. 36.25 (43) ✓

Inse #
SA 5 for at least one member of the school board or school district employe^e who will be
involved in developing the pest management plan.".

6 ✓ 2. Page 3, line 17: delete the material beginning with "have" and ending with
7 "(5)" on line 18 and substitute "are certified in the applicable pesticide use categories
8 under s. 94.705".

9 ✓ 3. Page 6, line 6: delete lines 6 to 9.

10

(END)

**SENATE AMENDMENT 2,
TO 1999 SENATE BILL 479**

March 28, 2000 – Offered by Senator CLAUSING.

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 6: after that line insert:

3 "(k) Provide any information concerning pest management that is requested
Insert
SA-2 4 by the department."

5

(END)

**SENATE AMENDMENT 3,
TO 1999 SENATE BILL 479**

March 28, 2000 - Offered by Senator CLAUSING.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 5, line 4: after "quarterly" insert ", except as provided in sub. (6m)".

3 2. Page 6, line 19: after that line insert:

4 "(6m) EXEMPTION FROM REPORTING REQUIREMENT. A school district is not
5 required to provide quarterly reports to the department under sub. (2) (i) if the school
6 district does not use pesticides and notifies the department that it does not use
7 pesticides. A school district shall begin to make the quarterly reports if it begins to
8 use pesticides".

9 (END)

INSE
51-3



State of Wisconsin
2001 - 2002 LEGISLATURE

5000

LRBb02947 2

RCT:wlj:pe

ym

LFB:.....Schug - Integrated pest management in schools

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 1. Page 479, line 6: after that line insert:

3 "SECTION 426p. 20.115 (7) (rm) of the statutes is created to read:

4 20.115 (7) (rm) *Pest management for schools.* From the agrichemical
5 management fund, the amounts in schedule for the pest management for schools
6 program under s. 94.715."

7 2. Page 506, line 13: after that line insert:

8 "SECTION 582k. 20.285 (1) (s) of the statutes is created to read:

9 20.285 (1) (s) *Pest management for schools.* From the agrichemical
10 management fund, the amounts in the schedule to provide training about pest
11 management in and around schools under s. 36.25 (43)."

1 **3.** Page 695, line 15: after that line insert:

2 **"SECTION 1357k.** 36.25 (43) of the statutes is created to read:

3 **36.25 (43) PEST MANAGEMENT FOR SCHOOLS.** The board shall provide, through
4 the extension, programs to train employees of school districts and other persons
5 about using integrated pest management, as defined in s. 94.715 (1) (cm), and about
6 developing and implementing pest management plans to prevent unacceptable
7 levels of pest activity and damage in schools and on school grounds while minimizing
8 hazards to persons, property, and the environment, consistent with the requirements
9 of s. 94.715."

10 **4.** Page 1048, line 4: after that line insert:

11 **"SECTION 2395t.** 94.715 of the statutes is created to read:

12 **94.715 Pest management for schools. (1) DEFINITIONS.** In this section:

13 (a) "Active ingredient" has the meaning given in s. 94.67 (1).

14 (b) "Federal act" has the meaning given in s. 94.67 (13).

15 (c) "Inert ingredient" has the meaning given in s. 94.67 (16).

16 (cm) "Integrated pest management" means a comprehensive strategy of pest
(17) control with the main objective of achieving desired levels of pest control in an
(18) environmentally responsible manner ^{to reduce or eliminate reliance on pesticides nonchemical} by using a combination of pest controls, which
19 may include monitoring, increased sanitation, physical barriers, and the use of
20 natural pest enemies, to address conditions that support pests and judiciously using
21 lowest risk pesticides when necessary after all other methods have failed.

22 (d) "Pest" has the meaning given in s. 94.67 (24).

23 (e) "Pesticide" has the meaning given in s. 94.67 (25), except that "pesticide"
24 does not include a germicide, sanitizer, or disinfectant.

1 (2) REQUIREMENTS FOR SCHOOL BOARDS. A school board shall do all of the
2 following:

3 (a) Propose a pest management plan that complies with sub. (4).

4 (am) Before proposing a plan under par. (a), obtain training under s. 36.25 (43)
5 for at least one member of the school board or school district employee who will be
6 involved in developing the pest management plan.

7 (b) After public notice and a hearing on the proposed plan under par. (a) and
8 no later than the first day of the 7th month beginning after the effective date of this
9 paragraph [revisor inserts date], adopt a pest management plan that complies
10 with sub. (4) and submit a copy of the plan to the department.

11 (c) No later than the first day of the 13th month beginning after the effective
12 date of this paragraph [revisor inserts date], implement the pest management
13 plan adopted under par. (b).

14 (d) Provide public notice and a hearing before modifying the pest management
15 plan adopted under par. (b) and notify the department of any modifications to the
16 plan.

17 (dm) Authorize pesticide application in a school or on school grounds to be
18 conducted only by persons who are certified in the applicable pesticide use categories
19 under s. 94.705.

20 (e) When the use of a pesticide is determined to be necessary in a school or on
21 school grounds, use pesticide in accordance with integrated pest management
22 practices.

23 (f) Except as provided in sub. (6), at least 72 hours in advance of each pesticide
24 application in a school or on school grounds, provide written notification, in a font
25 size no smaller than that routinely used for other notices to parents, of the name of

1 the pesticide to be applied, the planned time and location of the application, the
2 potential health effects of exposure to the pesticide, as indicated on its label, and the
3 name and telephone number of a person at the school who can be called for more
4 information or to report health effects from exposure, to all of the following:

5 1. Each employee of the school district, or of a contractor with the school
6 district, who may be present in the area of application within 72 hours after the
7 application.

8 2. Each student who may be present in the area of application within 72 hours
9 after the application.

10 3. The parents or guardians of the students under subd. 2.

11 (g) Post notice of each pesticide application in a school or on school grounds at
12 the time of the application and for at least 72 hours following the application.

13 (h) Maintain a record of all of the following for each application of pesticide in
14 a school or on school grounds:

15 1. The name and certification number of the person applying the pesticide.

16 2. The type of pesticide applied and its brand name, the name of the pesticide
17 as registered under the federal act, the pesticide registration number assigned to the
18 pesticide under the federal act, the manufacturer of the pesticide, and the pesticide's
19 active ingredients and inert ingredients.

20 3. The date and time of the application and the amount of pesticide applied.

21 4. How the pesticide was applied, including any additives used and the type of
22 application device used.

23 5. The street address of the place at which the pesticide was applied and a
24 description of the area to which the pesticide was applied.

1 6. The purpose of the application, including the target pest and whether the
2 application was preventive or reactive.

3 7. For an outdoor application, a description of the weather conditions at the
4 time of the application.

5 8. The symptoms of acute poisoning from the pesticide, as indicated on its label.

6 (i) Make the information under par. (h) available to any person upon request
7 and provide the information about pesticide applications to the department
8 quarterly, except as provided in sub. (6m).

9 (j) Review liability and property insurance maintained by the school board to
10 determine whether coverage is adequate for damage or loss caused by pesticides.

11 (k) Provide any information concerning pest management that is requested by
12 the department.

13 **(3) PROHIBITIONS.** (a) A school district may not routinely use pesticides on a
14 regularly scheduled basis in a school or on school grounds.

15 (b) A school district may not use pesticide fumigation in a school or on school
16 grounds.

17 (c) A school district may not use pesticides for aesthetic or cosmetic purposes.

18 (d) A school district may not use a pesticide in a school or on school grounds
19 unless nonchemical methods of pest control have failed to prevent unacceptable
20 levels of pest activity and damage.

21 **(4) PEST MANAGEMENT PLAN.** A school board shall design its pest management
22 plan required under sub. (2) (b) to prevent unacceptable levels of pest activity and
23 damage while minimizing hazards to persons, property, and the environment. In the
24 plan required under sub. (2) (b), a school board shall specify the pest management
25 practices that will be used by the school district and shall include all of the following:

1 (a) A description of the methods that will be used to identify pest problems,
2 including monitoring to determine whether pests are present in sufficient numbers
3 to require treatment with pesticides.

4 (b) A description of the nonchemical methods that the school district will use
5 to seek to prevent unacceptable levels of pest activity and damage.

6 (c) A description of the pesticides and methods of application that the school
7 district will use if the methods under par. (b) fail to prevent unacceptable levels of
8 pest activity and damage.

9 (d) A description of the other means that the school district will use to ensure
10 compliance with subs. (2) (c) to ^k(d) and (3).

11 **(6) EXEMPTION FROM ADVANCE NOTICE REQUIREMENT.** A school board is not
12 required to provide advance notice of a pesticide application if the school district
13 administrator, as defined in s. 115.001 (8), or the school principal declares that a pest
14 emergency exists. If a pesticide is applied in a school or on school grounds without
15 advance notice, the school board shall provide written notification of the name of the
16 pesticide that was applied, the time and location of the application, the potential
17 health effects of exposure to the pesticide, as indicated on its label, and the name and
18 telephone number of a person at the school who can be called for more information
19 or to report health effects from exposure, to all of the persons identified in sub. (2)
20 (f) 1. to 3., as soon as possible after the application. The school board shall provide
21 the notice in a font size no smaller than that routinely used for other notices to
22 parents.

23 ^{(25) ch}
(6m) Exemption from reporting requirement. A school district is not required
24 to provide quarterly reports to the department under sub. (2) (i) if the school district
25 does not use pesticides and notifies the department that it does not use pesticides.

1 A school district shall begin to make the quarterly reports if it begins to use
2 pesticides.

3 (7) ASSISTANCE AND COOPERATION. The department shall provide assistance to
4 school districts in complying with subs. (2) to (4). The department shall consult with
5 the department of health and family services and the department of public
6 instruction concerning school pest management issues. The department and the
7 board of regents of the University of Wisconsin System shall enter into a
8 memorandum of understanding concerning school pest management and the
9 provision of training by the University of Wisconsin–Extension to ensure cooperation
10 between the department and the University of Wisconsin–Extension and to avoid
11 duplication of activities. The University of Wisconsin–Extension and the cooperative
12 educational service agencies shall cooperate in providing the training under s. 36.25
13 (43).

14 (8) AVAILABILITY OF PLANS. The department shall retain pest management plans
15 submitted under sub. (2) (b) and make the plans available to any person upon
16 request.

17 (9) REPORT. On or before January 1 of each even-numbered year, the
18 department, in cooperation with the University of Wisconsin–Extension and the
19 department of health and family services, shall submit a report evaluating the
20 program under this section to the legislature under s. 13.172 (2).”.

21 (END)

LFB:.....Schug – Integrated pest management in schools

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 479, line 6: after that line insert:

3 “**SECTION 426p.** 20.115 (7) (rm) of the statutes is created to read:

4 20.115 (7) (rm) *Pest management for schools.* From the agrichemical
5 management fund, the amounts in schedule for the pest management for schools
6 program under s. 94.715.”.

7 **2.** Page 506, line 13: after that line insert:

8 “**SECTION 582k.** 20.285 (1) (s) of the statutes is created to read:

9 20.285 (1) (s) *Pest management for schools.* From the agrichemical
10 management fund, the amounts in the schedule to provide training about pest
11 management in and around schools under s. 36.25 (43).”.

1 **3.** Page 695, line 15: after that line insert:

2 “**SECTION 1357k.** 36.25 (43) of the statutes is created to read:

3 **36.25 (43) PEST MANAGEMENT FOR SCHOOLS.** The board shall provide, through
4 the extension, programs to train employees of school districts and other persons
5 about using integrated pest management, as defined in s. 94.715 (1) (cm), and about
6 developing and implementing pest management plans to prevent unacceptable
7 levels of pest activity and damage in schools and on school grounds while minimizing
8 hazards to persons, property, and the environment, consistent with the requirements
9 of s. 94.715.”.

10 **4.** Page 1048, line 4: after that line insert:

11 “**SECTION 2395t.** 94.715 of the statutes is created to read:

12 **94.715 Pest management for schools. (1) DEFINITIONS.** In this section:

13 (a) “Active ingredient” has the meaning given in s. 94.67 (1).

14 (b) “Federal act” has the meaning given in s. 94.67 (13).

15 (c) “Inert ingredient” has the meaning given in s. 94.67 (16).

16 (cm) “Integrated pest management” means a comprehensive strategy of pest
17 control with the main objective of achieving desired levels of pest control in an
18 environmentally responsible manner to reduce or eliminate reliance on pesticides by
19 using a combination of nonchemical pest controls, which may include monitoring,
20 increased sanitation, physical barriers, and the use of natural pest enemies, to
21 address conditions that support pests and judiciously using lowest risk pesticides
22 when necessary after all other methods have failed.

23 (d) “Pest” has the meaning given in s. 94.67 (24).

1 (e) "Pesticide" has the meaning given in s. 94.67 (25), except that "pesticide"
2 does not include a germicide, sanitizer, or disinfectant.

3 (2) REQUIREMENTS FOR SCHOOL BOARDS. A school board shall do all of the
4 following:

5 (a) Propose a pest management plan that complies with sub. (4).

6 (am) Before proposing a plan under par. (a), obtain training under s. 36.25 (43)
7 for at least one member of the school board or school district employee who will be
8 involved in developing the pest management plan.

9 (b) After public notice and a hearing on the proposed plan under par. (a) and
10 no later than the first day of the 7th month beginning after the effective date of this
11 paragraph [revisor inserts date], adopt a pest management plan that complies
12 with sub. (4) and submit a copy of the plan to the department.

13 (c) No later than the first day of the 13th month beginning after the effective
14 date of this paragraph [revisor inserts date], implement the pest management
15 plan adopted under par. (b).

16 (d) Provide public notice and a hearing before modifying the pest management
17 plan adopted under par. (b) and notify the department of any modifications to the
18 plan.

19 (dm) Authorize pesticide application in a school or on school grounds to be
20 conducted only by persons who are certified in the applicable pesticide use categories
21 under s. 94.705.

22 (e) When the use of a pesticide is determined to be necessary in a school or on
23 school grounds, use pesticide in accordance with integrated pest management
24 practices.

1 (f) Except as provided in sub. (6), at least 72 hours in advance of each pesticide
2 application in a school or on school grounds, provide written notification, in a font
3 size no smaller than that routinely used for other notices to parents, of the name of
4 the pesticide to be applied, the planned time and location of the application, the
5 potential health effects of exposure to the pesticide, as indicated on its label, and the
6 name and telephone number of a person at the school who can be called for more
7 information or to report health effects from exposure, to all of the following:

8 1. Each employee of the school district, or of a contractor with the school
9 district, who may be present in the area of application within 72 hours after the
10 application.

11 2. Each student who may be present in the area of application within 72 hours
12 after the application.

13 3. The parents or guardians of the students under subd. 2.

14 (g) Post notice of each pesticide application in a school or on school grounds at
15 the time of the application and for at least 72 hours following the application.

16 (h) Maintain a record of all of the following for each application of pesticide in
17 a school or on school grounds:

18 1. The name and certification number of the person applying the pesticide.

19 2. The type of pesticide applied and its brand name, the name of the pesticide
20 as registered under the federal act, the pesticide registration number assigned to the
21 pesticide under the federal act, the manufacturer of the pesticide, and the pesticide's
22 active ingredients and inert ingredients.

23 3. The date and time of the application and the amount of pesticide applied.

24 4. How the pesticide was applied, including any additives used and the type of
25 application device used.

1 5. The street address of the place at which the pesticide was applied and a
2 description of the area to which the pesticide was applied.

3 6. The purpose of the application, including the target pest and whether the
4 application was preventive or reactive.

5 7. For an outdoor application, a description of the weather conditions at the
6 time of the application.

7 8. The symptoms of acute poisoning from the pesticide, as indicated on its label.

8 (i) Make the information under par. (h) available to any person upon request
9 and provide the information about pesticide applications to the department
10 quarterly, except as provided in sub. (6m).

11 (j) Review liability and property insurance maintained by the school board to
12 determine whether coverage is adequate for damage or loss caused by pesticides.

13 (k) Provide any information concerning pest management that is requested by
14 the department.

15 **(3) PROHIBITIONS.** (a) A school district may not routinely use pesticides on a
16 regularly scheduled basis in a school or on school grounds.

17 (b) A school district may not use pesticide fumigation in a school or on school
18 grounds.

19 (c) A school district may not use pesticides for aesthetic or cosmetic purposes.

20 (d) A school district may not use a pesticide in a school or on school grounds
21 unless nonchemical methods of pest control have failed to prevent unacceptable
22 levels of pest activity and damage.

23 **(4) PEST MANAGEMENT PLAN.** A school board shall design its pest management
24 plan required under sub. (2) (b) to prevent unacceptable levels of pest activity and
25 damage while minimizing hazards to persons, property, and the environment. In the

1 plan required under sub. (2) (b), a school board shall specify the pest management
2 practices that will be used by the school district and shall include all of the following:

3 (a) A description of the methods that will be used to identify pest problems,
4 including monitoring to determine whether pests are present in sufficient numbers
5 to require treatment with pesticides.

6 (b) A description of the nonchemical methods that the school district will use
7 to seek to prevent unacceptable levels of pest activity and damage.

8 (c) A description of the pesticides and methods of application that the school
9 district will use if the methods under par. (b) fail to prevent unacceptable levels of
10 pest activity and damage.

11 (d) A description of the other means that the school district will use to ensure
12 compliance with subs. (2) (c) to (k) and (3).

13 (6) EXEMPTION FROM ADVANCE NOTICE REQUIREMENT. A school board is not
14 required to provide advance notice of a pesticide application if the school district
15 administrator, as defined in s. 115.001 (8), or the school principal declares that a pest
16 emergency exists. If a pesticide is applied in a school or on school grounds without
17 advance notice, the school board shall provide written notification of the name of the
18 pesticide that was applied, the time and location of the application, the potential
19 health effects of exposure to the pesticide, as indicated on its label, and the name and
20 telephone number of a person at the school who can be called for more information
21 or to report health effects from exposure, to all of the persons identified in sub. (2)

22 (f) 1. to 3., as soon as possible after the application. The school board shall provide
23 the notice in a font size no smaller than that routinely used for other notices to
24 parents.

(6m) EXEMPTION FROM REPORTING REQUIREMENT. A school district is not required to provide quarterly reports to the department under sub. (2) (i) if the school district does not use pesticides and notifies the department that it does not use pesticides. A school district shall begin to make the quarterly reports if it begins to use pesticides.

(7) ASSISTANCE AND COOPERATION. The department shall provide assistance to school districts in complying with subs. (2) to (4). The department shall consult with the department of health and family services and the department of public instruction concerning school pest management issues. The department and the board of regents of the University of Wisconsin System shall enter into a memorandum of understanding concerning school pest management and the provision of training by the University of Wisconsin--Extension to ensure cooperation between the department and the University of Wisconsin--Extension and to avoid duplication of activities. The University of Wisconsin--Extension and the cooperative educational service agencies shall cooperate in providing the training under s. 36.25 (43).

(8) AVAILABILITY OF PLANS. The department shall retain pest management plans submitted under sub. (2) (b) and make the plans available to any person upon request.

(9) REPORT. On or before January 1 of each even-numbered year, the department, in cooperation with the University of Wisconsin-Extension and the department of health and family services, shall submit a report evaluating the program under this section to the legislature under s. 13.172 (2).".

(END)